

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/750,689
Attorney Docket No. Q62565

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-12 have been amended. New claims 13-18 have been added. Support for the newly added claims can be found in the specification on page 3, lines 18-28, page 18, lines 13-17, and page 23, lines 15-18. Claims 1-18 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

As a preliminary matter, Applicant has amended the abstract of the disclosure to comply with the length requirement. Withdrawal of the objection to the abstract of the disclosure is respectfully requested.

Additionally, FIG. 7 has been amended to correct a typographical error in the labels for step S46. In FIG. 7, the signs “Y” and “N” in step S46 had inadvertently been switched. The sign “Y” in step S46 has been changed to “N”, and the sign “N” in step S46 has been changed to “Y”. Support for this correction is found in the specification on page 23.

Rejection Under 35 U.S.C. § 103(a) - *Ellis et al.* in view of *Deiss*

Claims 1-3 and 7-9 have been rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over *Ellis et al.* (U.S. Patent Number 6,275,268; hereinafter “*Ellis*”) in view of *Deiss* (U.S. Patent Number 5,802,063). The rejection is respectfully traversed.

In Applicant’s amended claim 1, a program information reading device reads viewing conditions from the program information corresponding to the selected program. The viewing conditions of claim 1 indicate that the selected program is any one of a free-of-charge program, a pay-per-view program, and a conditional access program.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/750,689
Attorney Docket No. Q62565

On the contrary, Ellis does not disclose viewing conditions. Deiss discloses security information for a particular program. However, the security information for a particular program of Deiss are not equivalent to the viewing conditions of the present application. Even if Ellis and Deiss are combined, a person skilled in the art could not achieve the viewing conditions as recited in amended claim 1. Therefore, amended claim 1 and corresponding independent method claim 7 are patentable over Ellis in view of Deiss.

Claims 2-3 and 8-9 are dependent claims including all of the limitations of independent claims 1 and 7, respectively, which, as established above, distinguishes over Ellis in view of Deiss. Therefore, claims 2-3 and 8-9 are distinguished over Ellis in view of Deiss for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection of claims 1-3 and 7-9 under 35 U.S.C. § 103(a) are respectfully requested.

Rejection Under 35 U.S.C. § 103(a) - *Ellis et al.* and *Deiss* further in view of *Coleman et al.*

Claims 4-6 and 10-12 have been rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over Ellis and Deiss and further in view of Coleman et al. (U.S. Patent Number 5,844,620; “Coleman”). The rejection is respectfully traversed.

Applicant’s claims 4-6 and 10-12 are dependent claims including all of the limitations of independent claims 1 and 7, respectively, which, as established above, distinguishes over Ellis in view of Deiss. Coleman does not rectify the deficiencies of Ellis and Deiss. There is also no mention in Coleman of a program information reading device reading viewing conditions from

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/750,689
Attorney Docket No. Q62565

program information corresponding to a selected program. At least by virtue of the aforementioned differences, claims 4-6 and 10-12 are patentable over *Ellis* and *Deiss* and further in view of *Coleman*. Reconsideration and withdrawal of the rejection of claims 4-6 and 10-12 under 35 U.S.C. § 103(a) are respectfully requested.

Newly Added Claims

Claims 13-18 are newly added by this Amendment and are believed to be in condition for allowance. Claims 13-15 and 16-18 depend from claims 1 and 7, respectively, and are allowable for analogous reasons as discussed above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Lenny R. Jiang
Registration No. 52,432

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: December 3, 2004

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/750,689
Attorney Docket No. Q62565

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to FIG. 7. This sheet replaces the original sheet including FIG. 7. In FIG. 7, the signs “Y” and “N” in step S46 had inadvertently been switched due to a clerical error. The sign “Y” in step S46 has been changed to “N”, and the sign “N” in step S46 has been changed to “Y”.

Attachment: Replacement Sheet (FIG. 7)